

ARKANSAS SUPREME COURT

No. CR 05-408

NOT DESIGNATED FOR PUBLICATION

MARIO ANTWUAN NELSON
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered

May 18, 2006

PRO SE APPEAL FROM THE CIRCUIT
COURT OF PULASKI COUNTY, CR
2003-3047, HON. BARRY ALAN SIMS,
JUDGE

AFFIRMED

PER CURIAM

A judgment and commitment order entered January 5, 2004, reflects that appellant Mario Antwuan Nelson entered negotiated pleas of guilty to murder in the first degree and commission of a terroristic act. Appellant was sentenced to consecutive sentences of 480 months' imprisonment on the murder charge and 120 months' imprisonment on the terroristic act charge, for a total sentence of 600 months in the Arkansas Department of Correction. Appellant filed a timely *pro se* petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1, which was denied without a hearing. Appellant brings this appeal of that order.

Appellant previously moved this court to supplement the record on appeal. We granted that motion, and in our order, directed rebriefing. *Nelson v. State*, CR 05-408 (Ark. October 27, 2005) (*per curiam*). This court specifically instructed appellant to file a substituted brief addressing only those issues from his original brief that were also included in his petition. Our order stated that the new brief must be limited to issues concerning his allegation of ineffective assistance of counsel for

failure to investigate and seek evaluation of appellant's competency. The parties have now filed their substituted briefs. As the State points out in its substituted brief, appellant has not complied with our order.

Appellant's substituted brief once again includes a number of issues not raised in his petition, including arguments concerning trial counsel's failure to provide advice on or challenge sufficiency of the evidence and the trial court's failure to follow proper procedure in accepting appellant's plea. The State points out other deficiencies in the brief, as well, such as appellant's failure to include any abstract, his failure to number the pages in his brief or include a table of contents, his failure to list the points on appeal, and a number of other failures by appellant to comply with Ark. Sup. Ct. R. 4-2. Because we have afforded appellant an opportunity to file a brief complying with our order and Rule 4-2, and he has failed to do so, we affirm for noncompliance under Rule 4-2(b)(3).

Affirmed.